

APPENDIX G

CULTURAL RESOURCE PROCEDURES

**CULTURAL RESOURCES
PROCEDURES**

Prepared for

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INTRODUCTION

PURPOSE

This document defines procedures that will be followed during CPUC communications projects to ensure the protection of cultural resources. It reflects work completed for the Level 3 communications project (P.B. Network Services 1999). The procedure provides a process to avoid impacts to cultural resources. The procedures include research, survey, monitoring, methods to deal with unexpected discoveries, and Native American consultation.

The proposed procedures were developed as part of a project which involved the issuance of a Certificate of Public Convenience and Necessity (CPCN) to conduct facilities-based and resale competitive local exchange, access, and inter-exchange services to Sempra Communications. This document provides a programmatic approach to the types and character of activities associated with communications project which may be conducted under a CPCN.

There are three main sections to this document: (1) archaeological procedures; (2) unanticipated discoveries policy; and (3) treatment of human remains.

I. ARCHAEOLOGICAL PROCEDURES

The archaeological procedures detailed below follow five basic steps. These include:

1. Determine the area of potential effect
2. Evaluate the adequacy of existing information
3. Supplement existing information as needed
4. Evaluate potential impacts
5. Recommend avoidance and mitigation measures

A flow chart of these steps and their associated elements is included as **Figure 1**. By including these steps in the program significant adverse effects to cultural resources resulting from the issuance of the CPCN are avoided.

All work will be completed under the direction of a Project Archaeologist, with appropriate Supervising Archaeologists and Field Archaeologists/Monitors as required. Qualifications for these positions are provided as Attachment 1.

A. DETERMINE THE AREA OF POTENTIAL EFFECT

Obtain accurate route maps from the engineering design firm, and a detailed project description. Using this information a map of an area of potential impacts will be developed. The defined area needs to include “on-site” and “off-site” effects and direct and indirect impacts.

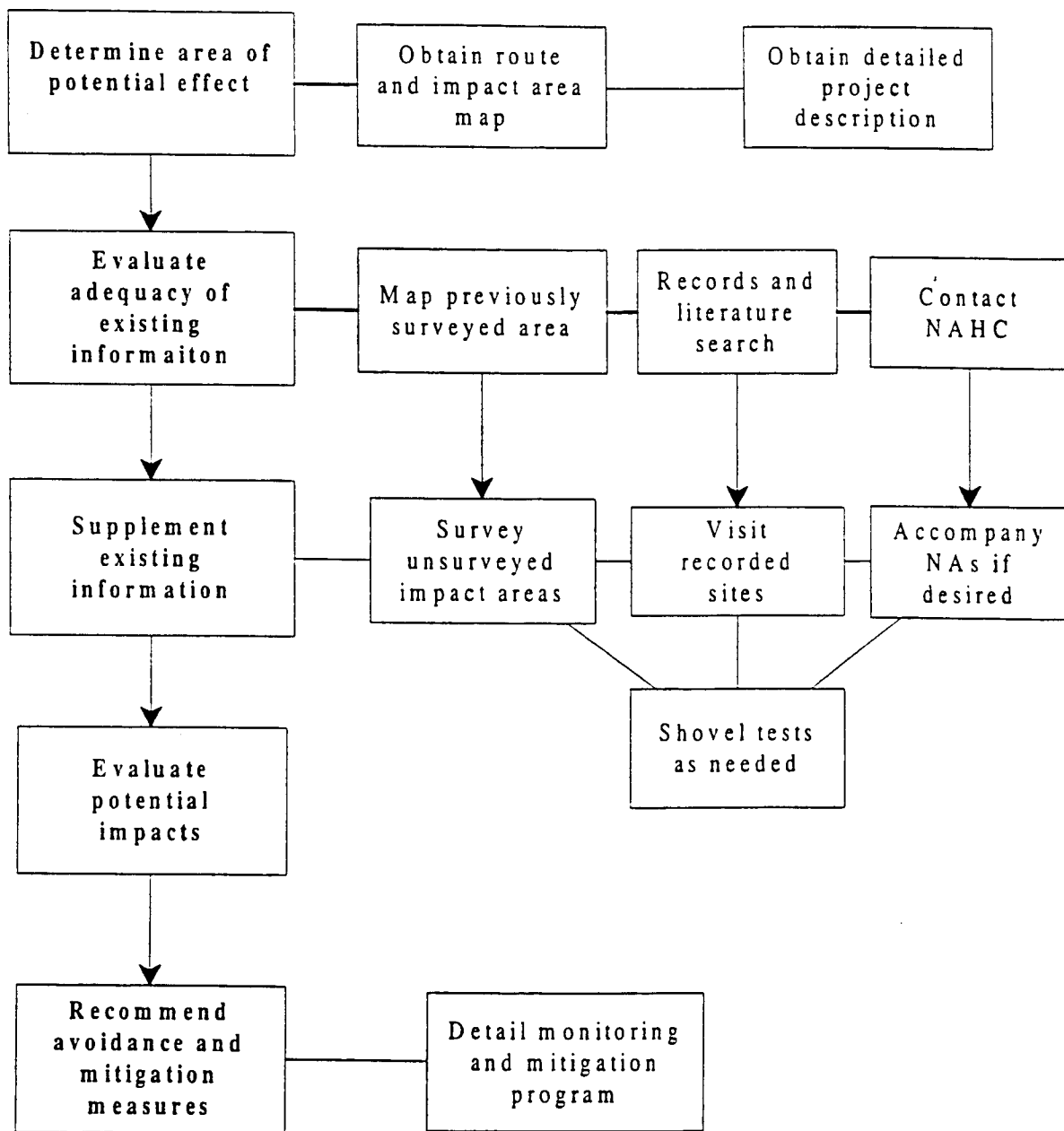


FIGURE 1

Cultural Resource Procedures

“On-site” effects would include those associated with the development of project components such as the construction of a tower or installation of an underground element. “Off-site” effects would include construction, improvement, or maintenance of access roads, use of staging areas, and pull sites.

Direct effects include impacts from the actual construction of the proposed project, while indirect effects would result from placement of new structures in sensitive historic areas, but not physically impacting an historic resource.

B. EVALUATE THE ADEQUACY OF EXISTING INFORMATION

Once the area of potential effect has been established, prepare USGS 7.5’ quadrangle maps and 1:100,000 scale maps. These maps will serve as the basis for requesting record searches from regional information centers and as base maps for evaluating potential impacts.

Identify the regional information center and data repositories that contain information regarding cultural resources in the area of potential effect. A list of information centers by region is provided as Attachment 2.

Complete a records search at each appropriate data repository for the proposed project. Because of the confidential nature of the information, record searches must be completed by a qualified archaeologist. The record search should include one-quarter mile on each side of any routes and one-half mile around any impact areas, such as staging areas. Record searches should provide the following information:

- The location of previously recorded sites;
- The areas which have been previously surveyed for cultural resources;
- Copies of site records for the records search area;
- Copies of survey reports for surveys that included any portion of the impact area;
- Copies of excavation reports for sites that may be within the records search area; and
- Copies of relevant portions of the California Historic Resources Inventory that lists properties and sites that have been evaluated for the National Register.

An adequate records search should also include a review of historic maps and records. Records may include assessor’s records, deeds, and county survey maps. Where available, aerial photos should be reviewed to assess the potential for historic resources. Contact organizations and agencies including historic societies, cities, and counties for lists of landmarks and resources of local importance.

Consult with the California Inventory of Historic Resources maintained by the Resources Agency, Department of Parks and Recreation in Sacramento and the National Register of Historic Places. Also review Five Views: An Ethnic Sites Survey for California; State of California, The Resources Agency, Department of Parks and Recreation (1988).

Send a letter to the Native American Heritage Commission (NAHC) requesting that they check the “Sacred Lands Inventory” for burials, cemeteries, sacred sites, and traditional cultural properties. A list of interested Native American parties should be compiled and all identified individuals should be contacted in writing.

Inquiries of the NAHC will include the project name and purpose, an appropriate scale map, and a description of the location of the project, including U.S.G.S. quad map, section, township, and range. A minimum of 10 days will be allowed for a response.

Upon receipt of a list of interested individuals and groups provided by the NAHC, letters will be sent to each concerned party. These letters will describe the project and solicit concerns about sensitive resources and traditional cultural properties. Letters will indicate that follow-up contact will be made by telephone or in person, and will identify a contact person. A minimum of two weeks will be provided for responses following direct contact.

Field visits will be arranged for any contacted Native Americans who express an interest. Other traditional or ethnic groups will be contacted in regard to areas or sites that have special significance for them, when such contact is determined appropriate as a result of CHRIS records.

As a result of these steps regarding the collection of existing information, maps should be prepared showing recorded sites, areas of concern, and previously surveyed areas. A summary will be prepared detailing areas where data is missing or insufficient and outlining a program of survey, testing, or research needed to fill that information gap. The need for supplemental information will be based on a comparison of the existing data with the potential impacts associated with a given project.

Research information should be summarized on a table showing survey coverage by location. For completed surveys, the table will indicate the author and year of the survey and the file number of the survey report at the information center.

C. SUPPLEMENT EXISTING INFORMATION AS NEEDED

Conduct field survey of unsurveyed portions of potential impact areas. Unsurveyed areas are to be determined on the basis of the previous survey and excavation reports documented during the records and literature review.

Field surveys will encompass the entire impact area and a sufficient limited buffer. For linear impacts, such as trenching, surveys will include the impact zone and an area 50 feet on each side of alignment. For area impacts, such as pole or tower sites, surveys will include the impact zone and an area 50 feet around the zone.

Where the records and literature review has indicated the presence of those cultural resources, those areas should be revisited and evaluations updated.

Global positioning system (GPS) equipment will be used to accurately determine the location of any sites discovered or revisited. GPS coordinates for site locations will serve to determine whether each site extends into the impact area. Field notes will indicate cultural material present and observations about site disturbance. Photographs will be taken of all sites visited to accompany the updated site record information.

Sites discovered during survey or revisited will be recorded on the appropriate site records and filed with the regional information center. These site forms include:

- DPR 523A Primary Record
- DPR 523B Building, Structure, and Object Record
- DPR 523 Archaeological Site Record
- DPR 523D District Record
- DPR 523E Linear Feature Record
- DPR 523F Milling Station Record
- DPR 523G Rock Art Record
- DPR 523H Artifact Record
- DPR 523I Photograph Record
- DPR 523J Location Map (USGS and Assessor's regional index maps for urban areas)
- DPR 523K Sketch Map
- DPR 523L Continuation Sheet

During the field survey or site visit, sufficient shovel test probes or auger holes will be excavated to determine if the site has subsurface deposits. All excavated soil will be screened through one-eighth-inch wire mesh screen. An estimate of the area of subsurface deposit will be made. Test probes will not be completed if the site has been previously excavated, there has been past determination that the site lacks a subsurface component, or if subsurface materials have been previously identified with site depth adequately determined.

D. EVALUATE POTENTIAL IMPACTS

For sites that the field survey and consultation with the Native American representatives indicate will not be adversely impacted, a recommendation of "no further management (NFM)" will be made. Where subsurface deposits or significant surface resources exist, every effort will be made to avoid an impact. If impacts cannot be avoided, a formal testing program will be completed as detailed below.

In the event that the work outlined above presents a significant constraint, a testing program may be implemented to reduce the area of concern. The testing program will include shovel test probes and excavated units sufficient in number and distribution to establish the boundaries of the significant subsurface component of the site, as determined by the Consulting Archaeologist. All excavations will be completed to 20 centimeters below sterile soil. If a site has potential human remains it must be tested to determine appropriate avoidance measures with a Native American monitor present.

A site testing report will become part of the project documentation, and will be submitted to the CPUC for concurrence prior to initiation of construction in the vicinity of the tested site.

E. RECOMMEND AVOIDANCE AND MITIGATION MEASURES

1. AVOIDANCE

Every effort will be made to avoid impacts to cultural resources. In an instance where a potential impact is identified, relocation of the activity affecting the site will be given the highest priority. When an aspect of a project is relocated to avoid a cultural resource, a monitor will be present during construction of that component to insure no inadvertent impacts occur. The Consulting Archaeologist may recommend that heavily disturbed sites in the survey area be monitored rather than avoided, unless there is evidence of human remains at the site. In all cases, if a potential for human remains is identified, avoidance is recommended.

2. ACTIVE MITIGATION

If a project element cannot avoid being placed on or through an archaeological sit, a data recovery program will be completed prior to construction. Investigations will focus on securing adequate data to address important research questions. The investigation will collect and analyze information sufficiently to satisfy Criterion 4 of the California Register of Historical resources and Criterion D of the National Register of Historic Places as applicable.

Data recovery will be guided by an approved treatment plan. Treatment plans will be specific to the resource and the identified impact. Data recovery will occur in accordance with a treatment plan approved by the CPUC. If, at any point during the execution of a treatment plan, human remains are discovered, the provisions for discovery of human remains will be completed.

For sites defined as sparse lithic scatters, the procedures in the “California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters” (CARIDAP 1988) will be followed as appropriate.

3. MONITORING

When activities are planned in the vicinity of an important cultural resource, a monitor will be present to insure there are no inadvertent impacts. A Mitigation and Monitoring Plan will be prepared for each project completed under the CPCN, which involves sensitive cultural resources. The plan will identify (1) the location where monitoring is to occur, (2) general notation on types of resources expected, (3) who will be responsible for the monitoring, (4) specific notation of whether human remains could be present, and (5) procedures for reporting and managing discoveries.

When work is occurring in the vicinity of a site with a potential for human remains or of particular concern to Native Americans, the monitoring team will include a Native American observer. Before any construction begins in culturally sensitive areas, the NAHC will be notified

of the presence and location of any previously recorded or newly identified culturally sensitive resources within the project right-of-way. The NAHC will be given 15 days to comment upon concerns they may have.

Monitoring will range from a full-time presence to “as needed” inspections. The nature of the monitoring will depend upon the nature of the potential impact and the sensitivity of the resource. The scope of monitoring will be determined by the consulting archaeologist and the project representative to the satisfaction of the California Public Utilities Commission (CPUC).

The field monitoring will be under the direction of a designated Field Monitor, who will have the authority to temporarily halt construction operations within 30 meters of a sensitive discovery. If the Field Monitor determines that potentially significant cultural resources would be adversely affected by continuing construction operations she will contact the Project Archaeologist. The Project Archaeologist will immediately notify appropriate parties as specified in the Mitigation and Monitoring Plan. Work will be redirected to other locations outside the area of concern.

The archaeological Field Monitors are responsible for using appropriate safety and professional equipment necessary in order to document work in progress, unanticipated discoveries, and to evaluate site disturbance prior to and during construction.

Construction language regarding project procedures and requirements to be followed during and after the exposure of cultural resources will be inserted in the General Conditions section of any excavation contract. In addition, all construction workers will be required to attend an environmental training session upon arrival at the job site.

A training program shall be initiated in order to inform all construction field personnel of requirements in regard to cultural resources. A qualified archaeologist as specified in Attachment 1 will conduct the training. The training program will provide information on coordination, cultural resources expected in the area, how to recognize a potentially significant discovery, procedures to be followed in the event of a discovery and Native American human remains, and consequences of non-compliance. It will also address penalties for non-compliance with project requirements, including termination of employment. Types of archaeological and cultural resource sensitivities in the project area will be identified to field personnel, and they will be informed about the Unanticipated Discovery Policy.

The Field Monitor will flag or fence sensitive areas, and will be responsible for assuring that construction activities do not impact flagged site boundaries or unanticipated discoveries. The monitor will flag site boundaries including a 50-foot buffer area in advance of construction. Flagging will occur not more than four days prior to construction to help insure that flagging remains at the time of construction. Colors and types of flagging will be coordinated with construction personnel to ensure that the system is clearly understood. The Field Monitor will observe construction activities in cultural resource areas, inspect earth-disturbing activities for the presence of cultural resources, and inspect site boundaries for evidence of site intrusions. The Field Monitor will remove the flags following the completion of construction.

- Cultural materials within archaeological sites previously determined to be ineligible for further treatment which are qualitatively distinct from cultural materials previously identified at the site and which indicate that the site has the potential to qualify for further treatment; or
- Cultural materials within archaeological sites previously determined to be eligible for further treatment which are qualitatively different from cultural materials previously identified and/or investigated in the impacted portion of the site and which indicate that the impacted portion of the site has the potential to contribute to the eligibility of the site based on its potential to provide data relevant to the research issues defined in the project research design.
- Any evidence of human remains regardless of context of discovery.

Indicators of prehistoric use of an area may include stone artifacts, ceramics, shell, bone, features and human remains.

Prehistoric flaked stone artifacts include flaked stone objects such as projectile points, bifaces, scrapes, hammer stones and debitage. Ground stone artifacts include manos, metates, mortars, and pestles. Ornaments and beads are often produced from shell and bone.

Features may indicate past habitation or use. Rock rings/features, distinct ground depressions, differences in compaction may be indicative of occupation or ceremonial structures. Various features including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remnants, distinctive changes in soil stratigraphy can be indicative of prehistoric activities.

Human bone either intact burials, evidence of cremations, or isolated bones including teeth or fragmentary pieces of bone are considered significant and require special treatment as outlined below. Ornaments and beads are often considered indicative of potential human remains.

Historical cultural materials may include finds from the 18th through early 20th centuries that can be attributed to Euro-American, Hispanic, Asian and other groups. Objects and features associated with the Historic Period can include:

- Structural remnants or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.).
- Trash pits, privies, wells and associated artifacts.
- Isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc.).

Isolated finds which are not considered an unanticipated discovery include isolated historic or prehistoric artifacts and ecofacts and non-human bone outside the boundaries of previously defined archaeological sites. The Consulting Archaeologist may be able to determine that bone is definitely non-human. In this event, the find does not qualify as a discovery unless accompanied by other materials justifying its identification as an unanticipated discovery. If there is any question whatsoever that bone may be human, it must be treated as an unanticipated discovery.

B. PROCEDURES FOR DEALING WITH UNANTICIPATED DISCOVERIES IDENTIFIED DURING CONSTRUCTION

Figure 2 presents the procedure to be followed in the event of an unanticipated discovery. The program consists of (1) protecting the discovery, (2) an initial evaluation, and (3) a treatment

Reports to be completed during construction monitoring of the project include:

- a. A daily log to be completed by monitoring personnel;
- b. A site condition record form to be completed after each site inspection; and
- c. A discovery/damage report to be completed by a Field Archaeologist/Monitor in the event of site intrusion or Unanticipated Discovery.

Each Field Archaeologist/Monitor will complete a daily log. Recorded information will include the amount of time spent at a site or with a crew, the crew being monitored, the construction supervisor, crew activities monitored, sites inspected, and a narrative report of the day's activities in which cultural resource problems and concerns are recorded. A site condition record is designed to provide a baseline for site condition prior to construction and to record any changes in site condition throughout construction phases of the project. The discovery/damage report records whether the site or area is new or existing, the site number, how damage was discovered, the date and time of the damage, the party responsible for damage and his/her supervisor, witnesses to the damage, a detailed description of damage, agency notifications, and actions taken.

Field Archaeologist/Monitor will maintain all forms, and will promptly submit these to the Supervising Archaeologist and Project Archaeologist. Copies will be made available to the CPUC environmental monitor on a weekly basis.

For each project or portion thereof, a written monitoring closure report will be prepared at the conclusion of construction. The report will summarize monitoring procedures. This report will be made available to the CPUC for their review and approval.

II. UNANTICIPATED DISCOVERY POLICY (UDP)

A. DEFINITION OF UNANTICIPATED DISCOVERIES

Unanticipated Discoveries (UD) are defined as previously unidentified cultural material that either changes the assessment of an existing site, either its significance or its potential to be adversely affected, or presents evidence of a previously unidentified site. Prehistoric and historic-era isolates are not unanticipated discoveries. Artifacts or materials within archaeological sites previously evaluated as ineligible for either the California Register or the National Register and which are not considered discretionarily significant by a local jurisdiction and that are qualitatively consistent with the materials previously identified at the site are not considered an Unanticipated Discovery. These potentials are clarified as follows (P.B. Network Services 1999).

- Previously unidentified archaeological sites that qualify as an Historical Resource or a unique archaeological site as defined by Section 15064.5 of the State CEQA Guidelines.

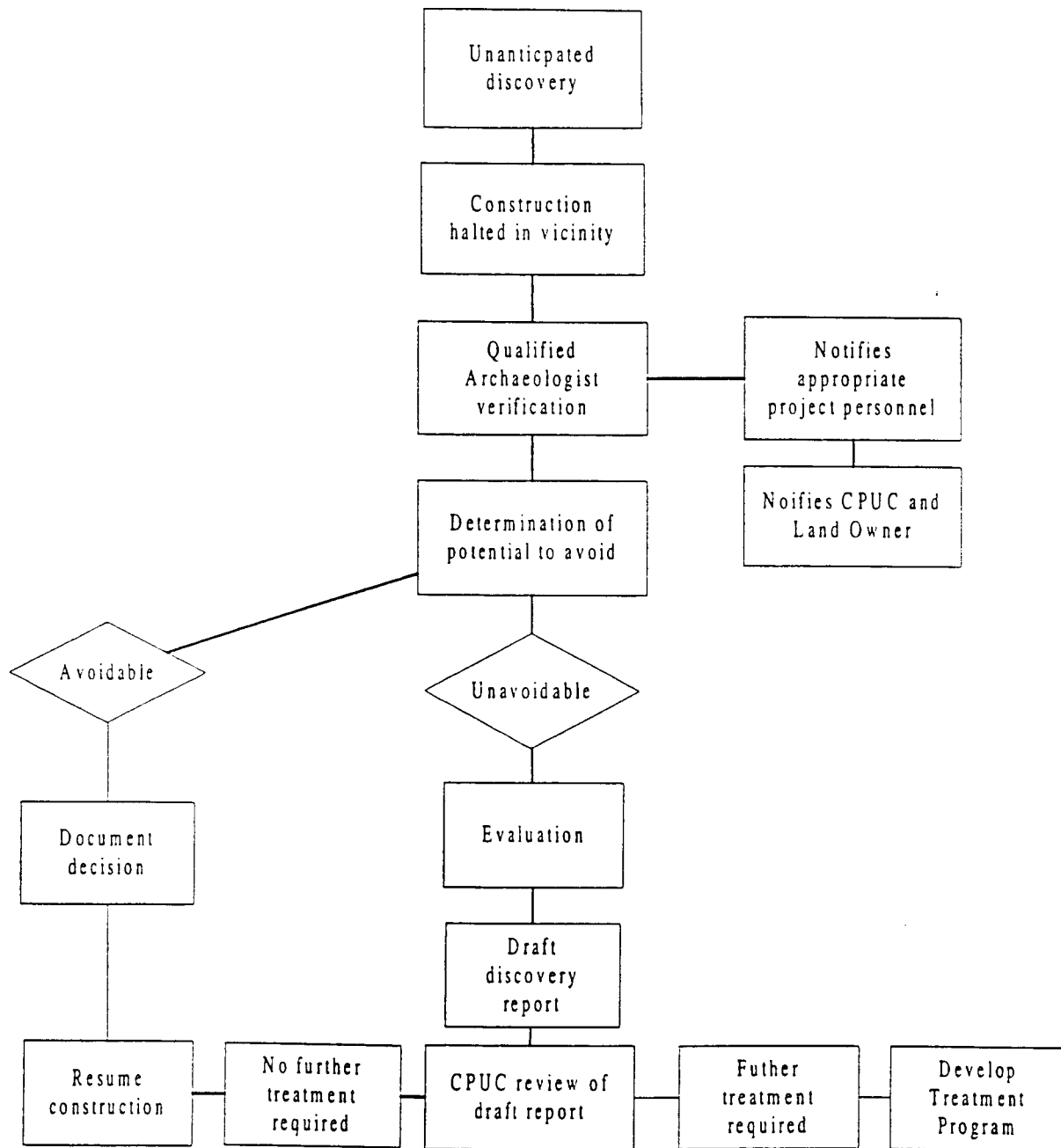


FIGURE 2

Unanticipated Discovery Procedures

procedure each with appropriate letters, reports, and other communication. It is imperative that all personnel involved in the program have adequate orientation and training regarding the nature of cultural resource and their responsibilities in their conservation.

1. TRAINING AND ORIENTATION

Prior to the start of construction, all personnel directly involved with the completion of the activity will be instructed of the stipulations provided in this UDP. Those instructions will cover:

- The types of materials qualifying as unanticipated discoveries.
- The steps outlined below regarding the protection of unanticipated discoveries.
- The steps outlined below concerning the notification of the appropriate personnel.
- The need to treat any human skeletal remains that are encountered with dignity and respect.

Penalties for failure to report unanticipated discoveries or to comply with the procedures outlined in this UDP.

2. STEPS TO PROTECT DISCOVERY

If an Unanticipated Discovery is encountered, construction activity will halt in the immediate vicinity of the find. As soon as possible all other ground-disturbing activity within 100 feet of the discovery will cease. The following steps will be taken to ensure that no further disturbance occurs to the discovery:

Fence an area at least 30 feet around the discovery with orange safety fencing or a similar material.

Prevent traffic through the area of construction disturbed by project activities beyond that necessary to remove vehicles and equipment already within the area immediately surrounding the discovery.

3. NOTIFICATION REGARDING UNANTICIPATED DISCOVERIES

Persons involved in the discovery will immediately notify the construction manager or designated substitute who, in turn, will immediately notify the designated archaeologist. The designated archaeologist will contact the Supervisory or Project Archaeologist to determine if it is an unanticipated discovery.

After the Field Archaeologist/Monitor or other qualified archaeologist notifies the project manager of a verified unanticipated discovery, the project manager will immediately contact CPUC by telephone, with written confirmation by fax or overnight mail. If project management learns of a potential discovery from construction personnel, when an archaeologist is not on location, the appropriate archaeologist will also be notified. The notification will include a brief description of the discovery and its location. The project manager will also notify the landowner.

4. INITIAL EVALUATION PROCEDURES

After halting construction in the immediate area, the discovery will be verified by a Field Archaeologist/Monitor or other appropriate archaeologist. If the Field Archaeologist/Monitor determines that the discovery is non-cultural, the halted construction activity can resume.

If the Field Archaeologist/Monitor or other appropriate archaeologist determines that the discovery is cultural but does not qualify as an Unanticipated Discovery the halted construction activity may resume.

If it can clearly be determined that the activity potentially impacting the resource can be relocated to avoid the site, the activity can be relocated and construction activities can continue.

If the Field Archaeologist/Monitor in consultation with the Supervising or Project Archaeologist determines that the find does qualify as an Unanticipated Discovery, the supervising archaeologist will notify the project manager who will contact CPUC, and the procedures outlined below for the treatment of unanticipated discoveries will be implemented.

During verification and evaluation of the discovery, the archaeologist will have the authority to probe and shovel skim the potential unanticipated discovery to the extent necessary to determine whether it qualifies as an unanticipated discovery. If the unanticipated discovery is something other than human remains, the procedures below will be followed. If human remains are discovered, additional procedures outlined further below will be followed.

An unanticipated discovery report will be made to document project procedures and construction down time. The report should include location (segment, milepost, GPS coordinates, USGS, if within or near a previously recorded site), the date of the find and date construction was halted, circumstances of discovery, date reviewed by the qualified archaeologist, the name and affiliation of the archaeologist, and a statement about the find. A photo should also be attached.

The disposition/curation of any material collected and not destroyed by analysis will also be discussed and resolved, if possible, at this time. Destructive analysis of human remains or associated grave goods will not be permitted unless written permission is granted by the Most Likely Descendant as determined by the Native American Heritage Commission.

a. Initial Discovery Procedures and Report

If the discovery is a previously unidentified archaeological site, the resource will be evaluated for its potential to answer questions important in prehistory or history, in accordance with regional research questions identified in a research design. If the investigation determines that the site cannot yield information important in prehistory or history, if the site has no potential human remains, and if the CPUC concurs with this decision, then no further management is required.

If the impact to the site cannot be avoided recommendations will be made concerning the appropriate mitigation measures such as “boring” or “monitoring” or other proposed treatment, such as a data recovery program.

The area around the discovery, including the periphery of disturbance of the construction activity, will be examined for any surface manifestation of the site. Unless the project can avoid the site, further site evaluation (e.g., shovel testing) will be initiated to determine the significance of the site.

The site area will be recorded and will be evaluated as to whether it requires further testing or other mitigation measures. The site recording will include completing a California Archaeological Site Survey Record Form (DPR 523), recording GPS coordinates in NAD 83 State Plane coordinates, plotting the location of the site on a US Geological Survey (USGS) 7.5' topographical map, producing a sketch map, and photographing the site. All activities will be confined to the potential impact area.

If the discovery consists of qualitatively distinct materials within a previously recorded or newly identified site a series of photographs will be taken: overviews including showing the location of the discovery, the extent of disturbance resulting from construction in the surrounding area and the discovery prior to evaluation and any feature(s). A summary description with the nature of the discovery and its environmental context and descriptions of any features, artifacts, and other observations will be mapped in plan view and/or profile, as appropriate.

Stratigraphic profiles will be made of a selected trench wall in which cultural materials are exposed. Bone and other perishable specimens will be collected, as will any artifacts that are in danger of being stolen, or destroyed. Any potential human remains must be treated as described elsewhere, including notification of the county coroner and consultation with the Native American Most Likely Descendant.

b. Initial Discovery Report Review Process

The Project Archaeologist will submit an initial discovery report to the project manager within 48 hours of the initial examination of the discovery. The project manager will submit the discovery report to the CPUC within 72 hours of the initial examination of the discovery.

The CPUC will review the discovery report and will notify the project manager regarding their determination by telephone followed by written confirmation. If a response is not received within 10 calendar days, the project manager will consult with the CPUC to determine an appropriate course of action.

If the CPUC determines that the discovery requires no further action, the CPUC will either prepare a written Notice to Proceed (NTP) or provide an authorized signature on the discovery report. The written NTP, or signed letter report, will be sent to the project manager and construction may resume.

If the CPUC concurs that the unanticipated discovery requires further testing or mitigation, the CPUC will immediately notify the project manager of the eligibility determination by telephone or fax, and the CPUC will arrange a conference call or meeting with project representatives. This meeting will:

1. Confirm the nature and scope of treatment to be completed prior to issuance of a written NTP;
2. Determine a schedule for completion of the archaeological work;
3. Determine the nature and scope of any protective measures which will be required once construction resumes; and
4. Determine the nature and scope of any post-construction treatment that may be required.

As a result of these actions a Discovery Report Addendum will be prepared. This document will be submitted to the CPUC within 30 calendar days of the completion of the initial field documentation. It will include a brief narrative description of the discovery and its context; a USGS 7.5' quadrangle map showing the location of the discovery; drafted site maps, feature plan maps, and profiles, as appropriate; photographs of the discovery; and an explanation for the evaluation of the discovery.

5. *TREATMENT OF ELIGIBLE UNANTICIPATED DISCOVERIES (OTHER THAN HUMAN REMAINS)*

If an unanticipated discovery is a historic resource (Public Resources Code Section 21084.1) and will be impacted as a result of the project, a detailed treatment plan will be completed. Treatment of eligible discoveries may be phased.

The first phase includes the completion of fieldwork that must be undertaken before construction resumes in order to recover significant data. The second phase involves the protection of intact portions of the discovery from additional construction impacts. Examples of possible steps include the use of barricade fencing, restricting the width of a construction right of way, construction monitoring, or similar actions. The third phase applies only to especially significant discoveries and involves additional data recovery field investigations after construction is completed. These may be applied to either prehistoric or historic resources. Separate procedures pertain to any discovery involving potential human remains.

Treatment of significant sites exposed during construction would involve data recovery investigations prior to the resumption of construction in the designated areas. Investigations should focus on securing adequate data to address important research questions while expediting the resumption of construction activities. Fieldwork will be directed toward satisfying Criterion 4 of the California Register of Historical resources and Criterion and D of the National Register of Historic Places. This criterion specifies that the quality of significance in archeology and culture is present in the site and objects, that the site possesses integrity, and has yielded, or may be likely to yield, information important in prehistory or history.

The scope of a treatment plan is individually determined on a case-by-case basis. Each discovery is individual and each investigation should focus on the site's importance. Data recovery will occur in accordance with the treatment plan approved by the CPUC. If, at any point during an investigation, human remains are discovered, the separate provisions for discovery of human remains will be instituted. Data recovery treatment would not stop construction except at the specific site or sites subject to treatment. Construction can continue outside of those areas.

a. Preliminary Results Summary and Review Process

At the conclusion of the investigation a summary of results and recommendations will be prepared and submitted. This letter format report will include a description of the nature and extent of the investigations, a brief summary of the results, an evaluation of the find, and any recommendations for additional treatment.

The Project Archaeologist will submit a preliminary summary letter to the project manager within 48 hours of the completion of the fieldwork, and the project manager will submit a copy to the CPUC within 72 hours of the completion of fieldwork. The CPUC has up to 10 calendar days from receipt of the summary letter to determine whether additional investigations are required. If a response is not received within 10 calendar days, project representatives will consult with the CPUC to determine an appropriate course of action.

If the CPUC concurs that no additional investigations are required, the CPUC will either prepare a written NTP or provide an authorized signature on the data recovery report. The NTP or signed report will be submitted to the project manager by fax and mail.

Construction may resume immediately upon receipt of either the NTP or signed report. Construction at the location of the Unanticipated Discovery will not resume until either the written NTP or signed report has been received.

b. Additional Treatment

If the CPUC determines that additional investigations are necessary, those investigations will be undertaken. The specific nature, scope, and timing of any such investigations will be negotiated by the CPUC and the project proponent. The results will be specified in a written agreement signed by both parties. CPUC will grant authorization for construction to resume at the location of the discovery upon completion of the fieldwork, as agreed.

A data recovery plan that includes a research design will be produced and approved prior to any such investigations, and the archaeological consultant conducting such investigations will receive formal authorization from the CPUC and the project proponent prior to initiating investigations.

c. Final Data Recovery Report

A final report of unanticipated discoveries data recovery investigations will be prepared and submitted within nine months after the completion of fieldwork or as negotiated in conjunction with more extensive data recovery investigations. A single report will be prepared covering all data recovery investigations. The final report will follow the format of the Archaeological Resources Management Reports (ARMR): Recommended Contents and Format, published by the California Office of Historic Preservation.

C. CURATION OF COLLECTED MATERIALS

Cultural material collected and associated documents will be curated at the regionally appropriate California Information Center, or at a facility identified by the center, unless the landowner requests possession or other disposition of the material after analysis has been

completed. Soil samples and similar specimens will not be curated, but disposed of at the completion of the project. A letter will be submitted to the CPUC documenting the final disposition of any collected cultural material. The disposition of such material will not occur until after the final report has been submitted.

Prior to transfer to a curation facility, the collections will be systematically organized and stored to facilitate research and collections transfer to a final curation facility or the landowners. These curation provisions do not apply to human remains, which must be treated in accordance with applicable California law.

III. TREATMENT OF HUMAN REMAINS

If human remains are encountered during construction, the following will promptly occur:

- Appropriate measures will be taken to protect the potential discovery from further disturbance until it has been fully evaluated, and the appropriate treatment of any verified discovery has been completed.
- Field personnel will inform appropriate project personnel who will contact the Supervising or Project Archaeologist.
- Upon confirmation from the Supervising or Project Archaeologist that the remains are potentially human, the project proponent will begin the official notification process by promptly contacting the appropriate County Coroner's Office and the CPUC.

Notification and treatment procedures (if any) will conform with appropriate state and federal statutes, regulations, and guidance, including California Health and Safety Code (Chapter 1492, Section 7050.5), California Public Resources Code sections 5097.94, 5097.98 and 5097.99, Native American Heritage Commission (1994). The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 United States Code (USC) § 3001-3013) pertains only to federal lands. As used below, the term "human remains" will apply to any remains satisfying or potentially satisfying the definition in 25 USC § 3001(3). This definition includes human remains as well as associated funerary and sacred objects.

A. STEPS TO PROTECT HUMAN REMAINS

In the event of an unanticipated discovery of potential human remains or associated cultural items during project construction, the construction activity will be immediately halted, followed promptly by the cessation of all other construction-related activity within 100 feet of the discovery. After construction has been halted, construction personnel will promptly vacate the 100-foot buffer zone. Vehicular traffic within the buffer zone will be limited to that necessary to remove vehicles and equipment from the buffer zone. Care will be taken to prevent any disturbance of the potential human remains during removal of the vehicles and equipment.

Any construction personnel involved in such a discovery will immediately notify a construction supervisor or designated substitute, who will immediately notify the appropriate project personnel. If a qualified Archaeologist can promptly provide assurance that bones are definitely non-human, the find does not qualify as a discovery and the following steps need not occur and construction may resume. If there is any doubt about a find potentially representing human remains, the county coroner must be contacted immediately and the following steps must be taken.

After all construction activity has been halted in the vicinity of the find, appropriate steps will be taken to ensure that no further disturbance occurs to the discovery. At a minimum, this will involve ensuring that no ground-disturbing construction activity or vehicular traffic occurs within 100 feet of the discovery. Other steps to secure and protect the discovered remains will be taken, depending on the nature and particular circumstances of the discovery, potentially including measures such as the posting of a security person, placement of a security fence around the area of concern, or a combination of these measures. Measures taken to protect the remains and any associated artifacts will remain in effect until the project proponent has received formal written notice from the CPUC to proceed with the construction in the 100-foot buffer zone.

B. NOTIFICATION PROCEDURES

Upon being notified by the Supervisory or Project Archaeologist of the presence of possible human remains, the project manager will contact the County Coroner's Office and the CPUC as soon as possible. Notification to the CPUC will be made by telephone, followed by written confirmation by certified mail. The notification will include a brief description of the discovery and its location and a clear and explicit statement whether the discovery is situated on state or private land.

If the remains are determined to be from a prehistoric Native American, the Coroner's Office is responsible for contacting the Native American Heritage Commission within 24 hours of notification. The NAHC will designate and notify a most likely descendant (MLD). The MLD has 24 hours to consult and provide recommendations for the treatment or disposition of the human remains and grave goods, with proper dignity. Notification will include a statement that the MLD may inspect the burial site. Other Native Americans may be consulted by the MLD during the process, and the project may have to provide notices on the circumstances of discovery, and information on the remains. The NAHC will notify the landowner(s) of their rights and responsibilities under such a discovery, and will offer to mediate consultation with Native Americans, if necessary.

After the appropriate course of action has been determined, the CPUC will provide the project proponent with written notification of its decision. The notification will include a specification of any actions which must be completed before the CPUC will provide written authorization to proceed with the halted construction activity. The project proponent will provide written notification to the CPUC upon completion of any required actions. That notification will include

a statement of the nature, scope, and outcomes of the actions completed. After successfully fulfilling all requirements, the CPUC will provide written authorization to proceed.

C. TREATMENT

In situ preservation of human remains and associated grave goods may be the preferred option. If the remains and grave goods will not be subject to further project disturbance, the MLD may recommend no further action. The remains and artifacts should be documented archaeologically and the discovery location carefully backfilled to avoid further disturbance. Human remains or cultural items discovered during project construction, and subject to further disturbance by project construction may be exhumed archaeologically, in consultation with the MLD.

At the discretion of and with the permission of the MLD, documentation and analysis of human remains and associated grave goods may be conducted prior to reburial by a qualified archaeologist, physical anthropologist, or osteologist. Analyses of human skeletal remains and any associated burial artifacts shall be conducted by nondestructive methods, in a location on-site or as close to the place of discovery as is feasible while still allowing such analyses to be completed with competent results. Permission shall be obtained from the MLD to complete analyses of any human remains and artifacts in a laboratory setting away from the original find location. The non-destructive analysis of any human remains and grave goods shall be completed within a time period to be determined in consultation with the MLD. Any analyses and reports resulting from this examination shall be made available to the Native American community.

During analysis, if any, each burial and its associated funerary objects shall be stored as a unit in a secure facility which shall be accessible to the MLD upon prior arrangement.

The remains and associated funerary objects shall be reburied according to the provisions of California Public Resource Code 5097.98(a) and (b). The reburial shall be done in a manner that shall discourage or deter future disturbance. Reburial shall be conducted by persons designated by the MLD. The location shall be fully documented, filed with the NAHC and the California Historical Resources Information System, and treated as confidential information.

If the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his/her authorized representative rejects the recommendation of the MLD and mediation (as per Section 5097.4 subdivision k) fails, reinterment of the human remains and associated grave goods shall take place with appropriate dignity on the property in a location not subject to further subsurface disturbance.

For security reasons, no news releases, including but not limited to photographs, videotapes, written articles, or other such means that contain information about human remains or burial-related items of Native American origin shall be released by any party during the discovery, recovery, and reburial unless previously approved by the MLD, the project proponent, and the landowner.

Any disputes that arise among the MLD and representatives of affected Native American groups and/or between the project proponent and the MLD concerning cultural affiliation or the ultimate disposition of Native American human remains and funerary objects shall be mediated in accordance with Section 5097.94 (k) of the State of California Public Resources Code.

An Archaeological Data Recovery/Burial Treatment Report shall be prepared by the Project Archaeologist. The report shall include, but not be limited to, a project overview, ethnographic section, previous archaeological research in the region and on-site, circumstances of discovery, recovery procedures and techniques, artifact analysis, faunal analysis, osteological analysis and interpretation, and conclusions and interpretations. The MLD and other interested Native American representative(s) shall be provided an opportunity to review the report and submit comments within the same time period as accorded any other reviewers.

Objects not associated with the human remains and recovered from private land shall be returned to the landowner. If the landowner wishes, materials of archaeological interest not associated with the human remains may be curated with a locally responsible institution or returned to appropriate Native American group.

Construction in the buffer area surrounding the discovery will not proceed until written authorization has been received. The authorization will include a statement of any stipulations that will apply during or after the resumption of construction. The project proponent will provide written documentation to the CPUC after any such stipulations have been fulfilled.

ATTACHMENT A

Qualifications

PERSONNEL QUALIFICATIONS

QUALIFIED ARCHAEOLOGIST (PROJECT ARCHAEOLOGIST AND SUPERVISING ARCHAEOLOGIST)

The following requirements are those used by the National Park Service (36 CFR Part 61) The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

The minimum professional qualifications for a Project Archaeologist or Supervising Archaeologist are:

1. A graduate degree in archeology, anthropology, or closely related field plus:
2. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management;
3. At least four months of supervised field and analytic experience in general North American archeology, and
4. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a Project or Supervising Archaeologist in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological or historic resources of the period.

FIELD ARCHAEOLOGIST/MONITOR

The minimum professional qualifications in archeology are a bachelor's degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology

ATTACHMENT B

Tribal Leaders and BIA Representatives

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TRIBAL LEADERS AND BIA REPRESENTATIVES (continued)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Central California Agency
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